

Request for Reconsideration Under 37 C.F.R. 1.116
U.S. Application No.: 09/747,063
Attorney Docket No.: ST9-99-186 (A8063)

REMARKS

Accordingly claims 1-42 are all the claims pending in the application. Applicant respectfully requests reconsideration in view of the following remarks.

I. Claim Rejections -- 35 U.S.C. § 102(e)

Claims 1, 10-12, 14-15, 24-26, 28-29, 38-40 and 42 stand rejected under § 102(e) as allegedly being anticipated by Yogaratnam. To anticipate a claim under 35 U.S.C. § 102, Yogaratnam must teach every element and recitation of the Applicant's claims. Further, Yogaratnam must teach each element of the claims in as complete detail as set for the in the claim, *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the reference must clearly and unequivocally disclose every element and recitation of the claimed invention.

Claim 1, for example, recites: *generating separate windows for each selected applet and executing each applet in a separate window*. It is respectfully submitted that Yogaratnam does not disclose or even suggest this limitation.

In the Office Action, it is alleged, without any support, that Yogaratnam's JAVA applications are JAVA applets (see page 5 of the Office Action). However, that position is contrary to the express teachings of Yogaratnam, which distinguishes application programs from applets.

In JAVA programming, there are application programs and compact programs called applets. An application program is a program designed to perform a specific function directly for the user or, in some cases, for another application program (e.g. word processors, Web browsers, etc.).

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Applications use the services of the computer's operating system and other supporting applications. The formal requests and means of communicating with other programs that an application program uses is called the application program interface (API). On the other hand, an applet is a small program that can be sent along with a Web page to a user. JAVA applets can perform interactive animations, immediate calculations, or other simple tasks without having to send a user request back to the server. Web browsers that support JAVA are able to download the applet to the user's hardware and then execute it i.e. the executable software is downloaded when you need it and then discarded when the program has been executed. Col. 2, lines 16 to 33 (emphasis added).

When Yogaratnam discusses applications, the discussion does not apply to applets since Yogaratnam distinguishes between the two. Accordingly, the assertion in the Office Action that applets correspond to the JAVA applications disclosed in Yogaratnam is not supported by the prior art. Here, Yogaratnam does not disclose executing applets in separate windows and therefore does not anticipate the claims.

Yogaratnam also fails to disclose "executing each applicant in separate windows" as required by claim 1, for example. Yogaratnam does not disclose or even suggest executing applets in separate windows. Instead, Yogaratnam only discloses running multiple Java applications simultaneously under one instance of a JVM, i.e., Java Virtual Machine (*see* Abstract). In fact, Yogaratnam discloses that it is not even necessary to display JAVA applications.

It will also be understood by those skilled in the art that a user interface plug-in 12 and display device 20, as described in relation to FIG. 6, need not be included for the present invention to operate effectively. For example, where JAVA applications are automatically invoked on startup and do not require interaction with a user, the user interface plug-in 12 and associated display device 20 can be eliminated, with the embedded desktop maintaining full functionality including class name collision avoidance. Col. 6, lines 16 to 25 (emphasis added).

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In the Office Action it is asserted that Yogaratnam, in Figs. 5 and 7 and at col. 6, lines 30 to 36, discloses “executing applets in separate windows” (see pages 2 and 5 of the Office Action). Applicant respectfully submits that those portions of Yogaratnam do not disclose that claim limitation.

First, the Examiner alleges that Figure 5 shows that “a desktop is displayed, on top of which these boxes are shown labeled as various applets, each applet in separate boxes, wherein the display of these boxes on a desktop does suggest that they are windows,” emphasis added (page 5 of the Office Action). Applicant respectfully points out that “suggest” is not the proper standard for anticipation under 35 U.S.C. § 102. The reference must *unequivocally disclose* each and every feature of the claim to anticipate a claim.

Nowhere in discussing Fig. 5 does Yogaratnam disclose that Fig. 5 shows windows. Rather, Yogaratnam discloses that “Fig. 5 is a model of the operating system, embedded desktop, JVM and application relationship in accordance with the present invention” (col. 3, lines 54 to 56). Yogaratnam also discloses that Figs. 4 and 5 depict *the relationship* of the hardware platform, operating system, embedded desktop, JVM, and Java applications (col. 4, lines 10-12). But the boxes shown in Fig. 5 are not disclosed to be windows. There is no teaching or suggestion anywhere in the reference that the boxes shown in Fig. 5 are windows. In fact, there is no mention of a window anywhere in the reference.

Regarding the contention that Fig. 7 suggests that multiple applets are launched and displayed in separate windows, nothing in the reference discloses that the objects shown in Fig. 7 are windows, much less windows in which applets are executing. Yogaratnam simply does not

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identify those objects. The only disclosure about Fig. 7 is located at col. 3, lines 64 to 65, which merely states that Fig. 7 is a pictorial representation of a graphical user interface (GUI) associated with an embedded desktop; and at col. 5, lines 4 to 5 which discloses that Fig. 7 depicts a standard GUI 14 and a customized GUI 16 available through an embedded desktop. Neither of those portions of Yogaratnam disclose, or even suggest, executing applets in separate windows.

Finally, the Examiner alleges that the three applications disclosed at col. 6, lines 30 to 35 must be displayed. Applicant respectfully submits that Yogaratnam does not disclose that these applications are displayed in windows, and they do not necessarily have to be displayed in windows, since these applications could execute in an environment that does not employ windows. Since the reference does not necessarily operate to execute applications in separate windows, it does not inherently anticipate the claims. Furthermore, the reference at col. 6, lines 30 to 35 does not disclose applets as required by the claims, but rather discloses only email, address book and web browser application programs. Accordingly, Yogaratnam does not anticipate the claims.

For at least these exemplary reasons, Applicant respectfully submits that independent claim 1 is patentably distinguishable from Yogaratnam. Applicant therefore respectfully requests the Examiner to reconsider and withdraw this rejection of independent claim 1. With respect to independent claims 15 and 29, Applicant respectfully submits that they recite features similar to the features discussed above with respect to claim 1, and hence are patentable for at

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least the same reasons. Claims 10-12, 14, 24-26, 28, 38-40 and 42 are not anticipated by Yogaratnam, at least by virtue of their dependency from the independent claims discussed above.

II. Claims Rejections -- 35 U.S.C. § 103(a)

Dependent claims 3-9, 18-23 and 31-37 stand rejected under § 103(a) as allegedly being unpatentable over Yogaratnam and Southgate and dependent claims 13, 27 and 41 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yogaratnam and STS. Applicant respectfully traverses these rejections in view of the following comments.

Claims 3-9, 18-23 and 31-37 depend on claims 1, 15 and 29 respectively. Yogaratnam does not meet all the requirements of the independent claims 1, 15 and 29, as discussed above. Southgate is relied upon only for its teaching of manipulating windows on a user display. Clearly, Southgate fails to cure the deficient teachings of Yogaratnam because it fails to teach or suggest executing each applet in a separate window. Instead, Southgate only deals with window manipulations. Regarding claims 13, 27 and 41, STS also fails to teach or suggest executing each applet in a separate window. Therefore, claims 3-9, 13, 18-23, 27, 31-37 and 41 are patentable over the asserted combinations at least by virtue of their dependency from the independent claims 1, 15 and 29.

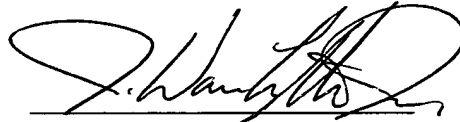
III. Conclusion and request for telephone interview

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



J. Warren Lytle, Jr.
Registration No. 39,283

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

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